



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Thomas Ross)

For: Anterior Cervical Plate)

Art Unit: 3733)

Serial No.: 10/676,064)

Examiner: James L. Swiger III)

Filed: October 2, 2003)

Conf. No.: 7730)

AMENDMENT/RESPONSE TO OFFICE ACTION

February 5, 2007

Mail Stop AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed on January 19, 2007. Claims 1-20 are pending in the application. Claims 1, 4, 5, 12, 13 and 20 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,193,721 of Michelson. Claims 13 and 14 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement because of language added in a prior amendment. Objection has been raised to claims 1 and 13 for use of the term "whereat". Objection has been raised to claims 2, 3, 6-11 and 14-19 as being dependent on rejected base claims. Applicant has now cancelled claims 1, 4, 5 and 13, and amended claims 2, 6 and 10 to incorporate the limitations of claim 1 therein. Applicant has also amended claim 14 to incorporate therein the limitations of claim 13, and has further amended claim 14 to remove the objectionable language which gave rise to the rejection under §112. Applicant has also amended claim 12 to make it depend from claim 6, and claims 18-20 to make them depend from claim 14. Because these amendments have increased the number of independent claims by one, a check for \$200 is enclosed to cover the fee for the additional claim.

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OK to ENTER 3/19/07